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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,989

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Paolo Monti

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

ANDRISH, SEAN D

ART UNIT

PAPER NUMBER

3672

NOTIFICATION DATE

DELIVERY MODE

07/23/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/589,989	Applicant(s) MONTI ET AL.	
	Examiner SEAN D. ANDRISH	Art Unit 3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17- 26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17 - 26 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 17, 18, 24, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Bertaccini (4,147,455).

Regarding claims 17 and 18, Bertaccini discloses a support comprising: a structure (1) with a simple or lattice framework with foundations; an upper surface (3) tilted transversely with respect to the direction of the pipeline (2); and a pipeline (2) resting on the upper surface of the structure (1) (Figs. 1 and 2; column 3, lines 33 - 43). Examiner notes that the tilting of the upper surface as taught by Bertaccini would inherently create a lateral force acting on the pipelines, the magnitude of the force being a function of pipeline weight and the angle of inclination of the tilted surface. The lateral force acting on the pipeline of Bertaccini would inherently predetermine the direction of transversal movement of the pipelines on the upper surfaces of the supports.

Regarding claims 24 and 26, Bertaccini further discloses the final section of the upper surface of the support is counter inclined (wedge 10) (Fig. 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bertaccini in view of Recalde (5,533,834). Bertaccini discloses all of the limitations of the above claim(s) except for funnels. Recalde teaches funnels (lateral deflector plates 532S, 532P) (Fig. 26; column 23, lines 39 - 42) to counter greater lateral loadings that tend to laterally displace a pipe positioned on a pipe support structure. It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the structure as disclosed by Bertaccini with the lateral deflector plates as taught by Recalde to counter greater lateral loadings that tend to laterally displace a pipe positioned on a pipe support structure.

5. Claims 20 - 23, 25, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertaccini.

Regarding claim 20, Bertaccini discloses all of the limitations of the above claim(s) except for at least part of the structures on the carrying structure are removed after the pipelines have been rested on the upper surfaces. It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the structure as disclosed by Bertaccini to include removable structures so that the support structure can be used at multiple locations within the support system to meet the design requirements of a given scenario.

Regarding claims 21 and 22, Bertaccini discloses all of the limitations of the above claim(s) except for the range of inclination angles. Where the range of article sizes disclosed in the prior art envelopes the recited range, and there is no showing of criticality of the recited

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range, such recited range would have been one of ordinary skill in the art. In re Reven, 390 F.2d 997, 156 USPQ 679 (CCPA 1968).

Regarding claims 23 and 25, Bertaccini discloses all of the limitations of the above claim(s) except for the upper surface of the support has either a constant inclination or a succession of sections with a varying inclination alternating with horizontal stretches. Examiner takes official notice that the inclination(s) of the upper surface of the support is selected to provide controlled lateral movement of the pipeline on the support structure for a given scenario as a matter of design choice within the skill of the art.

Regarding claim 28, Bertaccini discloses all of the limitations of the above claim(s) except for an upper surface coated with material having a defined friction coefficient. It would have been considered obvious to one of ordinary skill in the art at the time the invention was made to have modified the structure as disclosed by Bertaccini with a coated upper surface of the support to define a friction coefficient that provides for controlled lateral movement of a pipe section on the support structure, the coefficient being defined to meet the design requirements for a given scenario.

Response to Arguments

6. Applicant's arguments filed 15 May 2009 have been fully considered but they are not persuasive.

Applicant argues that neither Bertaccini nor Recalde teach or suggest “the tilting creates a lateral force acting on the pipelines, in relation to the weight of the pipelines and the inclination angle of the upper surfaces, which predetermines a direction of transversal movement of the pipelines on the upper surfaces of the supports.” Examiner responds that the tilting of the upper

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surface as taught by Bertaccini would inherently create a lateral force acting on the pipelines, the magnitude and direction of the force being a function of pipeline weight and the angle of inclination of the tilted surface. The lateral force acting on the pipeline of Bertaccini would inherently predetermine the direction of transversal movement of the pipelines on the upper surfaces of the supports. The only way to alter the direction of transversal movement would be to apply a force of greater magnitude acting in a direction other than that of the initial lateral force; the "force of greater magnitude" would also predetermine the direction of transversal movement using calculations based upon the weight of the pipeline and the angle of inclination.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEAN D. ANDRISH whose telephone number is (571)270-3098. The examiner can normally be reached on Mon - Fri, 7:30am - 5:00pm, Alternate Fri off, EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sunil Singh/
Primary Examiner, Art Unit 3672

Sunil Singh
Primary Examiner
Art Unit 3672

SDA
7/6/2009